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Jun Liang and Yunqiu Yuan

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Jun Liang and Yunqiu Yuan) Case No. C 07-2349 CW
Plaintiffs,)
v.)
Alberto Gonzales, United States Attorney)
General, U.S. Department of Justice;)
Michael Chertoff, Secretary of the)
Department of Homeland Security;)
Emilio T. Gonzalez, Director of United States)
Citizenship and Immigration Services;)
Gerard Heinauer, Director of Nebraska)
Service Center, United States Citizenship and)
Immigration Services;)
Robert S. Mueller, III, Director of the)
Federal Bureau of Investigation:)
Defendants.)
) STIPULATION TO EXTEND HEARING
DATE ON MOTION FOR SUMMARY
JUDGMENT; AND [PROPOSED]
ORDER

The plaintiffs, by and through their attorney of record, and defendants, by and through their attorney of record, hereby stipulate, subject to approval of the Court, to extend the hearing date for summary judgment, which is currently scheduled on September 6, 2007, in light of the following:

1. On July 13, 2007, the Court scheduled a hearing for summary judgment for

1 September 6, 2007.

2 2. On or around July 15, 2007, the State Department issued *Visa Bulletin Number*
3 109, stating that there would be no more visas available for the month of August and that visas
4 would probably remain unavailable until the next fiscal year, which begins on October 1, 2007.

5 **(Exhibit 1)**

6 3. Because the State Department will not be issuing any more employment-based
7 visas until October 2007, USCIS is unable by statute to adjudicate the applications for
8 adjustment of status at issue in this case.

9 4. Therefore, the parties hereby request this Court to vacate the summary judgment
10 hearing date and hold the case in abeyance until visas become available. Within three days of
11 visas becoming available, the parties agree to reset the summary judgment hearing date, and
12 reschedule the due dates for the motion for summary judgment, opposition, and reply
13 accordingly.

14
15 Dated: August 1, 2007

/s/

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17 Justin G. Fok
18 Law Offices of Jean D. Chen
19 Attorney for Plaintiff

20 Dated: August 1, 2007

/s/

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22 Ila C. Deiss
23 Assistant United States Attorney
24 Attorney for Defendants

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the case is held temporarily in abeyance and the September 6, 2007 hearing is vacated.

Dated: _____

Claudia Wilken
United States District Judge